

FILED  
BILLINGS DIV.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

PATRICK E. DUFFY, CLERK

BY

BUTTE DIVISION

DEPUTY CLERK

DALE BOWSER, individually and on behalf of his minor children K.B. and L.B.,

Plaintiff,

**VS.**

STATE OF MONTANA, et al.,

Defendants.

Cause No. CV 04-69-BU-RFC-CSO

## FINDINGS AND RECOMMENDATION OF U.S. MAGISTRATE JUDGE

On April 10, 2007, mail directed by the Court to Plaintiff Bowser was returned as “refused.” Court staff attempted to send the mail again. On April 13, 2007, it was again returned as “refused.”

The Court has no obligation to continue a case in which Plaintiff refuses to receive mail.

Based on the foregoing, the Court enters the following:

## ORDER

The motions deadline in this case is VACATED.

The Court also enters the following:

## RECOMMENDATION

1. Bowser's Amended Complaint (doc. 12) should be DISMISSED and the case should be

CLOSED.

2. Pursuant to Fed. R. App. P. 24(a)(4), the district court should CERTIFY that any appeal by Plaintiff from this disposition would be taken in bad faith.

The Clerk of Court shall serve a copy of the Findings and Recommendation of the United States Magistrate Judge upon the parties. The parties are advised that, pursuant to 28 U.S.C. § 636, any objections to these findings must be filed or delivered to prison authorities for mailing within ten (10) business days after the entry date reflected on the Notice of Electronic Filing, or objection is waived.

Plaintiff must immediately inform the Court and counsel for the Defendants of any change in his mailing address. Failure to do so may result in dismissal of this action without notice to him.

DATED this 16<sup>th</sup> day of April, 2007.



Carolyn S. Ostby  
United States Magistrate Judge